

RECEIVED

T.R.A. DOCKET ROOM

)

)

)

)

)

)

)

)

;

1

**CONSUMER ADVOCATE’S RESPONSE IN SUPPORT OF CHATTANOOGA  
MANUFACTURERS ASSOCIATION’S REQUEST FOR CONTESTED CASE  
HEARING TO BE CONDUCTED IN CHATTANOOGA, TENNESSEE**

As noted by CMA in its motion, Tennessee-American Water Company (the “Company”) has requested an increase in the amount that Chattanooga-area businesses and residents pay for water services. Moreover, the Company and two of the three interveners — the CMA and the City of Chattanooga — are located in Chattanooga. The Consumer Advocate is the third intervener, and it favors holding the hearing in Chattanooga because this matter is of particular interest and concern to those Tennesseans who live and do business in the Chattanooga area.

The Company's customers, like every consumer of public utility services, ought to be afforded a fair opportunity to appear and be heard in matters affecting them. The consumers' opportunity to participate in this matter is especially warranted because the Company's customers are once again being called upon to devote an ever-increasing portion of their business and household budgets to the purchase of water services.

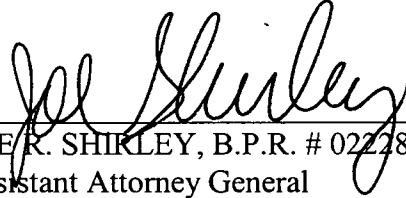
The Consumer Advocate understands and appreciates the Authority's efforts to balance the interests of consumers with those of the public utility in cases such as this one. The Consumer Advocate submits that the Authority is in a better position to strike an appropriate balance after hearing the concerns of all interested persons and parties, including affected members of the public. In particular, testimony from the public may bring a wealth of useful information to the Authority that would not have been available if public testimony is excluded or unavailable. Because the people who will be affected by the outcome of this proceeding live and work in Chattanooga, it makes sense to have the hearing on the merits there. In doing so, the Authority will engage the public it serves in an open hearing process that facilitates the broadest possible participation by affected consumers, many of whom may not otherwise participate if they have to bear the time and expense of traveling to the hearing in Nashville.

For the reasons stated, the Consumer Advocate, on behalf of Chattanooga-area consumers whose interests will be considered in this proceeding, joins in CMA's request to hold the hearing on the merits in this matter in Chattanooga, Tennessee.

Respectfully submitted,



TIMOTHY C. PHILLIPS, B.P.R. # 012751  
Senior Counsel



JOE R. SHIRLEY, B.P.R. # 022287  
Assistant Attorney General

Office of the Attorney General  
Consumer Advocate and Protection Division  
P.O. Box 20207  
Nashville, Tennessee 37202  
(615) 741-3533

Dated: January 13, 2005

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been served via the methods indicated on January 13, 2005, to the following:

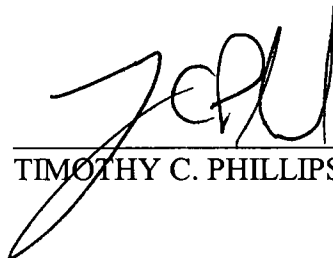
Via first-class U.S. mail, postage prepaid:

Dale Grimes, Esq.  
Davidson French, Esq.  
Bass, Berry & Sims PLC  
AmSouth Center  
315 Deaderick Street, Suite 2700  
Nashville, Tennessee 37238-3001

Michael A. McMahan, Esq.  
Lawrence W. Kelly, Esq.  
Nelson, McMahan & Noblett  
801 Broad Street, Suite 400  
Chattanooga, Tennessee 37402

Henry M. Walker, Esq.  
Boult, Cummings, Conners & Berry, PLC  
1600 Division Street, Suite 700  
P.O. Box 340025  
Nashville, Tennessee 37203-0025

David C. Higney, Esq.  
Grant, Konvalinka & Harrison, P.C.  
633 Chestnut Street, 9th Floor  
Chattanooga, Tennessee 37450



---

TIMOTHY C. PHILLIPS

::ODMA\GRPWISE\sd05.IC01S01.JSB1:81574.1